

104✓

IN THE MAGISTRATE COURT OF GWINNETT COUNTY, STATE OF GEORGIA

Carlos Darden7529 Rutgers CirFairburn, GA 30213 470-559-2248

Plaintiff(s)

vs.

Flagship Credit Acceptance LLCc/o Corporation Service Company40 Technology Pkwy South Suite 300Norcross, GA 30092

Defendant(s)

Telephone (Daytime number if known, otherwise, evening number)

Clerk, Gwinnett Magistrate Court, P.O. Box 246

Lawrenceville, GA 30046-0246 (770.822.8100, Ext. Civil Division)

Civil Action No.

20m20155

INFO &amp; FORMS ON INTERNET

[www.gwinnettcourts.com](http://www.gwinnettcourts.com)E-mail: [mag@gwinnettcourts.com](mailto:mag@gwinnettcourts.com)

## STATEMENT OF CLAIM

☐ Suit on Note ☐ Suit on Account ☒ Other Violation of Debit Collection Act and inaccurate balance1. The Court has jurisdiction over the defendant(s) ☒ the Defendant(s) is a resident of Gwinnett County; ☐ Other (please specify)

2. Plaintiff(s) claims the Defendant(s) is/are indebted to the Plaintiff as follows: (You must include a brief statement giving reasonable notice of the basis for each claim contained in the Statement of Claim)

Flagship Credit Acceptance has an inaccurate balance of \$18,300 that is currently being reported on my credit report. They are in violation of the Debit Collection Practice Act for reporting a false balance.

3. That said claim is in the amount of: \$15,000.00 principal, \$ 0 interest, plus \$ 104.00 costs to date, and all future costs of this suit.

State of Georgia, Gwinnett County:

Carlos Darden

being duly sworn on oath, says the foregoing is a just and true statement of

the amount owing by defendant to plaintiff, exclusive of all set-offs and just grounds of defense.

Sworn and subscribed before me this

10/14 day of Sept 20 20

Plaintiff or Agent

(If Agent -- Title or Capacity)

Day Time Phone Number

470 559 2248

Notary Public/Attesting Official

I request a civil trial ☐ during normal business hours - OR - ☐ 6:30 PM, evening trials. **ALL CONFLICTS ARE SCHEDULED FOR 6:30 PM.**

## NOTICE AND SUMMONS

TO: All Defendant(s)

You are hereby notified that the above named Plaintiff(s) has/have made a claim and is requesting judgment against you in the sum shown by the foregoing statement. **YOU ARE REQUIRED TO FILE or PRESENT AN ANSWER** (answer forms can be obtained from the above listed web-site or clerk's office) **TO THIS CLAIM WITHIN 30 DAYS AFTER SERVICE OF THIS CLAIM UPON YOU. IF YOU DO NOT ANSWER, JUDGMENT BY DEFAULT WILL BE ENTERED AGAINST YOU. YOUR ANSWER MAY BE FILED IN WRITING OR MAY BE GIVEN ORALLY TO THE JUDGE.** If you choose to file your answer orally, it MUST BE IN OPEN COURT IN PERSON and within the 30 day period. **NO TELEPHONE ANSWERS ARE PERMITTED.** The court will hold a hearing on this claim at the Gwinnett Justice & Administration Center, 75 Langley Dr., Lawrenceville, GA 30046, at a time to be scheduled after your answer is filed. You may come to court with or without an attorney. If you have witnesses, books, receipts, or other writings bearing on this claim, you should bring them to court at the time of your hearing. If you want witnesses or documents subpoenaed, see a staff person in the Clerk's office for assistance. If you have a claim against the Plaintiff, you should notify the court by immediately filing a written answer and counterclaim. If you admit to the Plaintiff's claim but need additional time to pay, you must come to the hearing in person and tell the court your financial circumstances. Your answer must be RECEIVED by the clerk within 30 days of the date of service. If you are uncertain whether your answer will timely arrive by mail, file your answer in person at the clerk's office during normal business hours.

Filed this 14 day of Sept 20 20

Magistrate or Deputy Clerk of Court

See Instructions on Reverse Side of This of this Document

**GENERAL INSTRUCTIONS --IF YOUR CASE GOES TO TRIAL**

The instructional tape, "I PRESENT MY CASE" is currently scheduled for viewing on the Gwinnett County Public Access Channel, Channel 23. Current scheduling can be confirmed on the web-site, [www.gwinnettcourt.com](http://www.gwinnettcourt.com), click on Calendar and then on TV Gwinnett. This video gives general instructions on some aspects of presenting your own case at trial.

Additional information about the Magistrate Court and civil proceedings is available on the courts website at [www.gwinnettcourts.com](http://www.gwinnettcourts.com). Click on the "Magistrate" tab.

You must be prepared and **ON TIME**. Bring all of your witnesses, documents, photographs, etc. to court with you. If you are late, you may automatically lose your case and you may not have an opportunity to present your side of the issue. If you must be late, contact the court well in advance during normal business hours so that the calendar can be properly marked.

The following may help you in preparing your claim or defense:

- ☐ All parties shall notify the Clerk of Court in writing of any address change, or daytime telephone number change. All court notices come by regular mail. If you fail to provide your new address, you may miss your trial & lose your case.
- ☐ Bring the following to court to help prove your case:
  - ☐ Written contracts, leases, IOUs, notes, and all written documents applicable to the case.
  - ☐ Letters and/or papers relating to the case.
  - ☐ Bills or estimates, invoices. (The person(s) who prepared the bills or estimates should accompany you to court.)
  - ☐ Canceled checks and/or other proof of payment.
  - ☐ Photographs, audio and video tapes and the means for playing them in court.
  - ☐ Witnesses. (They should accompany you. Notarized statements CANNOT be accepted as evidence at a trial.)
  - ☐ All other evidence you consider relevant.
- ☐ Bring to court all witnesses having firsthand knowledge of the case meaning that they have not heard evidence from someone else. [NOTE: Impartial witnesses who have no stake in the outcome of the case are generally more believable.]
- ☐ Get a subpoena (order to appear) from the Clerk of Court for some witnesses to make certain that they appear.
- ☐ To obtain documents, get subpoenas for the production of documents from the Clerk of Court.
- ☐ This case involves damage to property. (for example, a car, the home, etc.)
  - ☐ I can describe the damage in detail and I have repair bills, written estimates of damage or repair, or other reliable evidence to help support **my opinion of the value of the property before and/or after** the damage. [NOTE: a case involving damages must always be proved by LIVE TESTIMONY]. Bring/subpoena the person to court who prepared any estimates.
  - ☐ I can describe the condition of the property before the damage and I have determined what it was worth then. I have a Bluebook/Blackbook guide or newspaper ads to help prove my opinion. I can describe with reasonable certainty the cost of repairs. I have researched the law as to the correct measure of damages.

**For the Plaintiffs:**

- ☐ The party I have named is the one who is liable to me. (There is not another person or corporation who really owes the money to me. Just because a person is an officer/registered agent of a corporation does not make that person liable.)
- ☐ I can prove the amount of the complaint. I have not asked for more money than is really owed me.

**For the Defendants:**

- ☐ I filed an answer/counterclaim to the Plaintiff's claim on time.
- ☐ I do not owe the money because someone else is legally responsible, a third party or a corporation.
- ☐ I do not owe the Plaintiff anything for some other reasons.
- ☐ The Plaintiff is suing for more than the damage done.
- ☐ The Plaintiff owes me money and I have set forth the amount owed me in my counterclaim. (A counterclaim must be proven to a "preponderance of the evidence" in the same manner as Plaintiff's claim.)
- ☐ I owe most or all of the money the Plaintiff claims but I need more time to pay it. I need to set up a payment plan. I will try to work this out with the plaintiff before court. Otherwise, I will tell the judge I need a payment plan at the court date.

NOTE: This is not an exhaustive list of the items you may need in court nor is it a complete list of the things to be considered in presenting your case. Each case is different and should be considered carefully before appearing in court.

The Magistrate Court attempts to use simple procedures but is subject to the same rules of law and evidence as any other court. You may wish to seek legal advice from an attorney if the importance of your case warrants it. You have the responsibility for presenting your case and this form gives only general advice which may not be adequate in your case.

Civil Action No. 20m 7055Date Filed 9/14/20

Magistrate Court ☐  
 Superior Court ☐  
 State Court ☐  
 Georgia, Gwinnett County

Attorney's Address

Carlos Darden  
 7529 Rutgers Cir 470-559-2248  
 Fairburn, GA 30213

Name and Address of party to be served.

Corporation Service Company  
 40 Technology Pkwy Southside  
 Suite 300 Norcross, GA 30092

Plaintiff

VS.

Flagship Credit Acceptance LLC

Defendant

Garnishee

## Sheriff's Entry Of Service

Personal ☐

I have this day served the defendant \_\_\_\_\_ personally with a copy of the within action and summons.

Notorious ☐

I have this day served the defendant \_\_\_\_\_ by leaving a copy of the action and summons at his most notorious place of abode in this County.

Delivered same into hands of \_\_\_\_\_ described as follows  
 age, about \_\_\_\_\_ years; weight, about \_\_\_\_\_ pounds; height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches; domiciled at the residence of defendant.

Corporation ☒

Served the defendant Flagship Credit Acceptance LLC a corporation  
 by leaving a copy of the within action and summons with Adrian Smith  
 in charge of the office and place of doing business of said Corporation in this County.

Tack & Mail ☐

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

Non Est ☐

Diligent search made and defendant \_\_\_\_\_ not to be found in the jurisdiction of this Court.

This 13 day of Sept, 2020

Deputy

Sheriff Docket \_\_\_\_\_ Page \_\_\_\_\_

Gwinnett County, Georgia

WHITE: Clerk

CANARY: Plaintiff / Attorney

PINK: Defendant